

Case 3:20-cv-00451-CEA-DCP Document 365 Filed 03/20/24 Page 1 of 4 PageID #: 16950
7479699.3

2. The Protective Order permits parties to designate information produced in discovery as “CONFIDENTIAL”; “HIGHLY CONFIDENTIAL”; “OUTSIDE COUNSEL EYES ONLY”; and “HIGHLY CONFIDENTIAL – SOURCE CODE RELATED MATERIALS”.

3. Extreme has designated certain financial documents that it produced in discovery as OUTSIDE COUNSEL EYES ONLY, or “OCEO”.

4. These documents are Bates-numbered as EXTREME-00722215; EXTREME-00722446; EXTREME-00722447; EXTREME-00722448; EXTREME-00722450; EXTREME-00722451; EXTREME-00871502; EXTREME-00871503; EXTREME-01290740; EXTREME-01290741; EXTREME-01290742; EXTREME-01290743; EXTREME-01290744 (attached to the Declaration of Rameen J. Nasrollahi as Collective Exhibit 1) and EXTREME-01407577; EXTREME-01407578; and EXTREME-01407580 (attached to the Declaration of Rameen J. Nasrollahi as Collective Exhibit 2)(all together, the “Financial Documents”).

5. Plaintiffs previously raised the issue of Extreme’s designations of the documents in Collective Exhibit 1 as OCEO.

6. After Extreme would not redesignate these documents, Plaintiffs raised this issue informally with the Court.

7. On October 27, 2023, the Court directed Plaintiffs to file a motion to challenge Extreme’s designations of these documents.

8. Subsequently, Extreme produced additional documents containing similar financial information. *See* Collective Exhibit 2 to the Nasrollahi Declaration.

9. The designation of all of the Financial Documents is improper because the documents do not meet the definition set out in the Protective Order. *See* Dkt. 335 ¶ 6.

10. None of the documents at issue are being disclosed to a competitor, and the potential harm created can be mitigated by a designation of HIGHLY CONFIDENTIAL.

11. Additionally, Plaintiffs' inability to view these documents is impairing its ability to evaluate its case against Extreme.

12. Furthermore, Extreme's designation of the Financial Documents is routine and indiscriminate, in violation of the Protective Order. *See* Dkt. 335 ¶ 41.

13. Plaintiffs ask this Court to strike Extreme's designations of the Financial Documents as OCEO and permit Extreme to redesignate the Financial Documents as HIGHLY CONFIDENTIAL.

WHEREFORE, for the reasons stated herein and in Plaintiffs' accompanying Memorandum of Law, the Declaration of Rameen J. Nasrollahi, and the related exhibits filed in support of this Motion, and as shall be raised at the oral argument of this Motion, if any, Plaintiffs respectfully request that this Honorable Court strike Extreme's designation of the Financial Documents as OCEO.

Respectfully submitted,

Dated: March 20, 2024

By: /s/ Rameen J. Nasrollahi

John L. Wood, Esq. (BPR #027642)
Cheryl G. Rice, Esq. (BPR #021145)
Rameen J. Nasrollahi, Esq. (BPR #033458)
EGERTON, McAFEE, ARMISTEAD & DAVIS, P.C.
900 S. Gay Street, Suite 1400
P.O. Box 2047
Knoxville, TN 37902
(865) 546-0500 (phone)
(865) 525-5293 (facsimile)
jwood@emlaw.com
crice@emlaw.com
masrollahi@emlaw.com

By: /s/ A. Matthew Ashley

A. Matthew Ashley (CA Bar. No. 198235)
Morgan Chu (CA Bar. No. 70446)
David Nimmer (CA Bar. No. 97170)
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276
(310) 277-1010 (phone)
(310) 203-7199 (facsimile)
mchu@irell.com
dnimmer@irell.com
mashley@irell.com

By: /s/ Olivia L. Weber

Olivia L. Weber (CA Bar. No. 319918)
BIENERT KATZMAN LITTRELL WILLIAMS, LLP
903 Calle Amanecer, Suite 350
San Clemente, CA 92673
(949) 369-3700 (phone)
(949) 369-3701 (facsimile)
oweber@bklwlaw.com

*Attorneys for Plaintiffs
SNMP Research International, Inc. and
SNMP Research, Inc.*